

L1627



United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Eastern States  
7450 Boston Boulevard  
Springfield, Virginia 22153

L1627	
MAP #	APR 19 1999
DATE FILED.....	
BY.....	JB
DESCRIPTION FILED.....	
ONEIDA CO. SURVEYOR'S OFFICE	

IN REPLY REFER TO:

9601(960)P  
ES-7050  
Wisconsin

April 29, 1997

Robert O. Kamps  
W11311 County Road X  
Crivitz, Wisconsin 54114

Dear Mr. Kamps:

This replies to your letter dated April 17, 1997, concerning lands adjacent to Coon Lake in Section 19, Township 37 North, Range 8 East, Fourth Principal Meridian, Wisconsin.

It is not uncommon to find discrepancies between the location of original meander lines and the actual shore of a body of water. These discrepancies fall into two classes, those that are merely technical differences and those that constitute erroneous omission. The guide lines for determining the class of a particular case are laid down in court and departmental decisions.

Meander lines are surveyed to determine the sinuosities of a body of water for the purpose of calculating the acreage of adjoining riparian lots. In the absence of prima facie fraud or an error so gross as to constitute fraud, the courts have ruled that the boundary of riparian lots extend to the actual shoreline and are not limited to the acreage recited in the patents from the United States.

In Lawyers Title Insurance Corp. v. Bureau of Land Management, 117 IBLA 63, it was held that where the BLM attempts to establish that lands were omitted from an officially filed original survey as a result of gross error or fraud, it must prove by clear and convincing evidence that the original survey was grossly in error.

In U.S. v. Zager et al., 338 F. Supp. 984 (1972) it was held that in order to constitute gross error, the true area must have been understated by substantially more than 1/3. True area is defined as the area returned in the original survey plus the alleged omitted area.

An examination of the area in question reveals that the difference between the actual shore line of Coon Lake and the original meanders of the same fall within the general rule announced in Lane v. United States, C.C.A. La. 1921, 274 F. 290, affirmed 43 S. Ct. 236, 260 U.S. 662, Ed. 448, which held that an omission of this nature and extent does not constitute a gross error in the original survey.

Considering other judicially evolved factors, it is concluded there is nothing in the records of this office to indicate fraud by the original surveyor in the placement of the original meander line. There is also nothing of record to indicate that the omitted area was any more valuable than the surrounding surveyed lands, necessitating a more accurate meander line.

File



L1627

Accordingly, it is the opinion of this office that it could not be proven by clear and convincing evidence that the original surveys were grossly in error. Therefore, the United States (on the basis of an erroneous omission of public domain) asserts no claim to the contiguous land area between the record meander lines and the actual shoreline of Coon Lake in section 19, T. 37 N., R. 8 E, Fourth Principal Meridian, Wisconsin.

If you have any questions concerning this or any other matter, do not hesitate to contact this office at (703) 440-1688.

Sincerely,

A handwritten signature in black ink, appearing to read "Corwyn J. Rodine". The signature is fluid and cursive, with the first name being the most prominent.

Corwyn J. Rodine  
Acting Chief Cadastral Surveyor  
Eastern States



# ROB KAMPS LAND SURVEYING & SOIL TESTING

W11311 Co. Rd. "X"

Crivitz, Wis 54114

(715) 757-3767

4/17/97

U.S. Dept. of the Interior  
Bureau of Land Management/Eastern States  
Stephan G. Kopach  
7450 Boston Blvd.  
Springfield, VA 22153

Dear Mr. Kopach:

I am currently doing a project in SEC 19, T37N-R8E of the fourth principal meridian, Oneida County, Wisconsin.

While doing my research I discovered that in the original government survey, Coon Lake, which is in Section 19, T37N-R8E, was erroneously meandered.

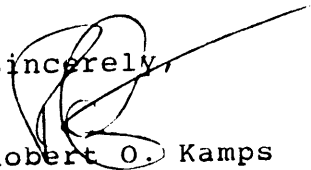
In 1951, F.R. Wincentsen, then the Oneida County Surveyor, also recognized this. He did a resurvey of SEC. 19, meandered Coon Lake and proportioned the Government Lots accordingly. I have enclosed Wincentsen's Survey Map (Large Map) and copies of his field notes (8½x11 sheets). I have also enclosed various other maps that may be helpful to you.

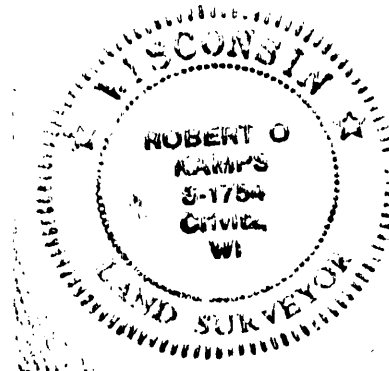
I have surveyed in Section 19 and find Wincentsen's Monuments to be very consistent with his Survey Map.

Several Land Surveyors who regularly work in this area of Wisconsin have encountered similar problems with erroneously meandered lakes. They suggested that I get in contact with you to explain our situation. I would like you to review the enclosed paperwork. I would be interested in receiving a letter from you indicating that you would have no interest in the land between the erroneous Government Meander Line and the Shore of Coon Lake.

If you have any questions for me please call or write.

Sincerely,

  
Robert O. Kamps  
Robert O. Kamps Land Surveying  
W11311 County Rd. X  
Crivitz, Wisconsin 54114  
(715)757-3767



# Foltz and Associates, Inc.

(715) 356-9485

Surveyors

Planners

Engineers

Fax (715) 356-1841

8612 Highway 51 North

Minocqua, Wisconsin 54548

August 8, 2001

Mike Romportl, County Surveyor  
Oneida County Land Information Office  
P.O. Box 400  
Rhinelander, WI 54501

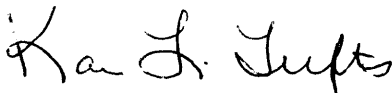
Re: Response from BLM to Bob Kamps  
File #L1627

Dear Mike:

We are working on a survey in Government Lot 1, Section 19, T37N, R8E and found a copy of a letter to the Bureau of Land Management from Rob Kamps (File #L1627) on the microfiche requesting their opinion regarding a 1951 survey completed by Wincentzen. I contacted the BLM to request a copy of their response to the Kamps correspondence and have enclosed a copy for your information.

Sincerely,

FOLTZ AND ASSOCIATES, INC.



Karen L. Tufts  
Project Manager

*Mike is  
L.S.I.F. we  
don't have  
a copy of this.*

Enclosures



09  
5/1/97

9601(960)P  
ES-7050  
Wisconsin

April 29, 1997

Robert O. Kamps  
W11311 County Road X  
Crivitz, Wisconsin 54114

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V-11727

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Sincerely,  
**Corwyn J. Rodine**

Corwyn J. Rodine  
Acting Chief Cadastral Surveyor  
Eastern States

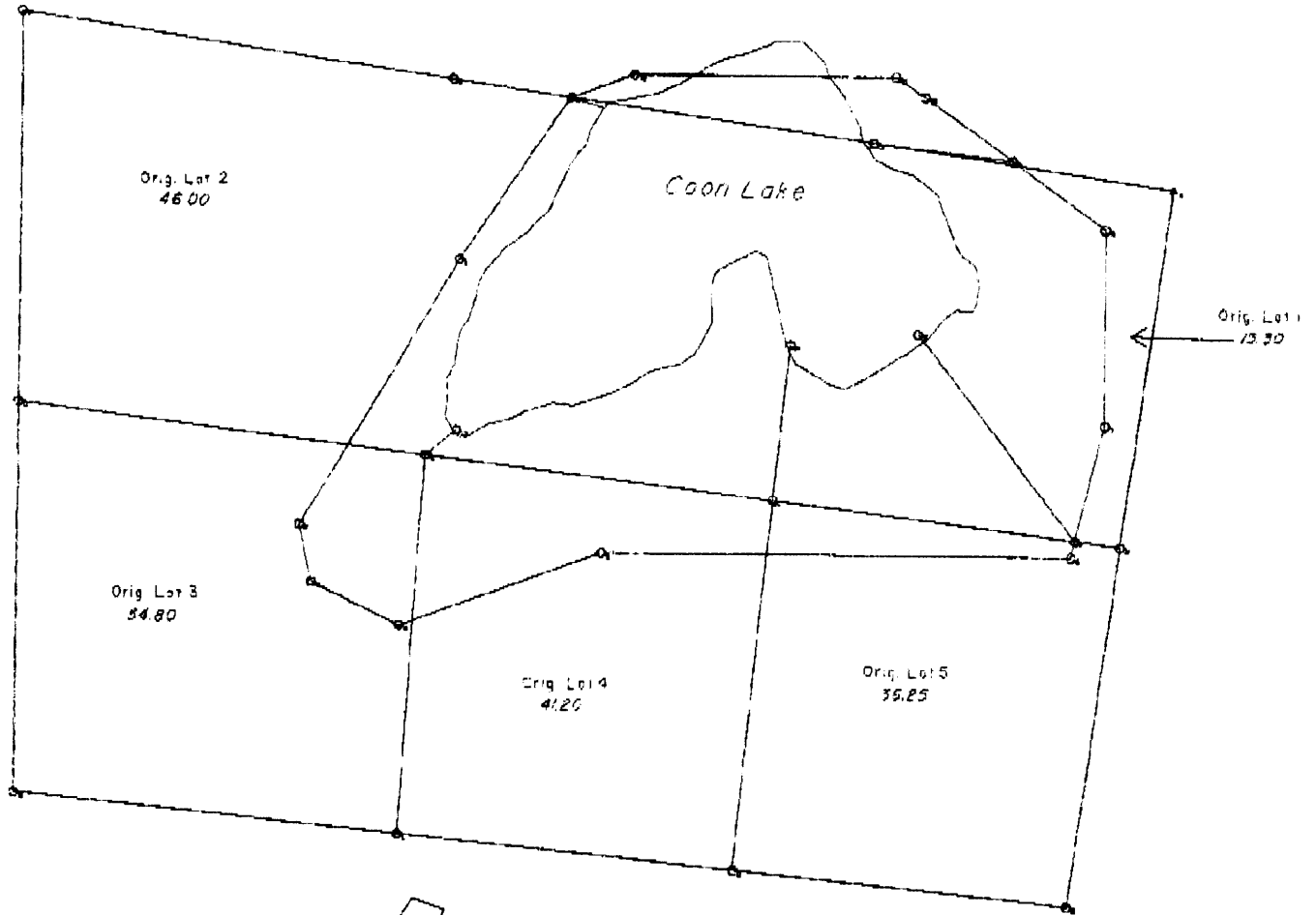
~~Enclosures~~

bc: ES-RF  
960 RF  
ES-962:CRodine:cmj:5/1/97:rkamps.wi

7-1627

T. 37 N., R. 8 E., 4th PM Wisconsin  
Section 19

*File Copy*



Orig. Area Lots 1 thru 5 = 193.51 a

True Area = 245.16 a

1/3 True Area = 81.71 a

L-1627